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United States District Court
Eastern District of Washington
Honorable Salvador Mendoza

10 United States of America,

11 No. 1:19-CR-2032-SMJ-1

12 Plaintiff,

13 Supplemental Declaration of
14 Jeffrey O. Martin - Spokane
15 Division

v.

James Dean Cloud,

Defendant.

1 I, Jeffrey O. Martin, state the following:

2

- 3 1. I am over the age of eighteen (18) and competent to testify.
- 4 2. I hold a Bachelor's degree in Mathematics and Economics from Vanderbilt
- 5 University and a Master's degree in Economics from the University of
- 6 Chicago.
- 7 3. I am employed as a consultant on statistical issues, a consultant on actuarial
- 8 issues, and as a consultant to political campaigns. I have been qualified as an
- 9 expert on statistical issues in federal and state courts.
- 10 4. Since 1997, I have been involved in cases involving challenges to jury lists in
- 11 federal and state courts.
- 12 5. I have been asked by counsel for James Cloud to review the construction and
- 13 implementation of the Master Jury Wheel and Qualified Jury Wheel that was
- 14 used to select Grand Jurors in this case.
- 15 6. I previously supplied a declaration dated June 19th, 2020, describing the data I
- 16 need to perform the analysis of the Master Jury Wheel and Qualified Jury
- 17 Wheel in this case.
- 18 7. The Court subsequently entered the Order Granting in Part and Denying in
- 19 Part Defendant's Motion for Access to Grand Jury Records.
8. I have reviewed the data provided in this case.
9. I was advised the Government obtained a Third Superseding Indictment from
- the Spokane Division (Division A). Most of the data already supplied will
- apply to the new indictment. This declaration will detail the additional data
- needed because of the new indictment.

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1 Additional Data Needed from New Indictment

2 10. The new indictment from the Spokane Division would require the following
3 additional items for a meaningful jury wheel analysis. Importantly, the Court
4 previously directed the Clerk's Office to produce these items, which are as
follows:

- 5 - ***Request #2 - Covid-19 adjustments.*** Any policies and procedures enacted
for summoning and enlisting grand jurors due to the Covid-19 pandemic.
- 6
- 7 - ***Request #3 - Covid-19-related Orders.*** Any Court orders entered for
summoning and enlisting grand jurors due to the Covid-19 pandemic.
- 8
- 9 - ***Request #4 - Forms.*** Any AO-12 or JS-12 form created that relate to the
District and Divisional Master Jury Wheels and Qualified Jury Wheels
10 used to summon the grand jurors who returned the Third Superseding
Indictment.
- 11
- 12 - ***Request #14 - Summons date.*** The date on which the grand jurors who
13 returned the indictments in this matter were summoned.
- 14
- 15 - ***Request #15 - Grand jury basis.*** Information on whether the grand jury
that returned the Third Superseding Indictment was "divisional,"
"combined," or "entire district," as those terms are defined in §4.05(b) of
the Jury Selection Plan.
- 16
- 17 - ***Request #16 - Division or combined ratio.*** Whether the grand jury that
18 returned the Third Superseding Indictment was drawn from the entire
district or a combination of several divisions (and, if a combination, the
calculation of the ratio and number of grand jurors from each division).
- 19
- ***Request #17 - Numbers summoned.*** The number of prospective grand
jurors summoned from the Qualified Jury Wheel in this case.

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- 1 - ***Request #24 - Grand juror numbers.*** The juror numbers of those who
- 2 served on the grand jury that returned the Third Superseding Indictment.
- 3 - ***Request #26 - Juror Qualification Forms.*** Juror qualification and
- 4 summons forms completed by persons summoned as prospective grand
- 5 jurors for the grand jury that returned the Third Superseding Indictment,
- 6 redacted to eliminate all personally identifying information except for race,
- 7 gender, ethnicity, proffered "grounds for excuse" from jury service, and
- 8 criminal history.
- 9 - ***Request #27 - Disposition for each juror.*** Information concerning the
- 10 disposition of each prospective grand juror summoned for the Third
- 11 Superseding Indictment—namely, whether each juror was excused,
- 12 deferred, disqualified, or impaneled.

10 I declare under penalty of perjury under the laws of the United States of America
11 that the foregoing is true and correct.¹

12 Dated: December 3, 2020

13 s/ Jeffrey O. Martin

19 ¹ See 28 U.S.C. § 1746.